

REMARKS

This paper is being submitted in response to the Notice of Non-Compliant Amendment dated August 2, 2010. The Notice indicated that the Amendment filed on May 21, 2010 was non responsive since it cancelled or otherwise eliminated all claims drawn to the elected invention and presented only claims directed to a non-elected invention.

Accordingly, Applicant submits the present Listing of Claims which differs from the Listing of Claims included in the Amendment filed on May 21, 2010 in that the limitation directed to “forming the polymeric tubular member such that there is tensile strain energy stored within the polymeric tubular member” has been omitted. The claim is now directed to the same general inventive concept as the original claims. Original method claim 11 was directed to a “method of processing a linear member within a mechanical caterpillar apparatus according to any of claims 1 to 4 and 6 to 9, wherein the processing of the linear member is effected by the difference between the first speed and the second speed.” Further, there were dependent claims that stated the difference between the speeds compresses (claim 12) or extends (claim 13) the linear member during processing.

As currently amended, method claim 11 has been amended to now define a method of processing a polymeric tubular member such that the “member is processed by linear compression or by linear extension depending on said speed difference.” This is the same inventive step or technical feature that was identified in the original claims. Accordingly, these amendments should overcome the objection based on a “non responsive” amendment.

Since only the Listing of Claims is required to respond to the Notice, Applicant requests that the Office consider the other Remarks and amendments to the Drawings and Specification

included in the Amendment filed on May 21, 2010 in response to the Office Action dated January 22, 2010.

For the Examiner's convenience, the Remarks of the Amendment filed on May 21, 2010 regarding the rejections in view of the prior art are reproduced below.

In the Office Action, independent claim 11 was rejected as being unpatentable as being anticipated by U.S. Patent No. 5,412,853 (*Catallo*). Now, independent claim 11 has been amended to include, in relevant part, the step of "wherein the first speed is not equal to the second speed, such that as the polymeric tubular member is advanced between the opposed interior portions of the first and second traction members, the polymeric tubular member is processed by linear compression or by linear extension depending on said speed difference in order to change the tensile strain energy stored within the polymeric tubular member." It is respectfully submitted that *Catallo* alone or in combination with the other cited references, do not teach or suggest the subject matter of amended independent claim 11 and its dependent claims.

Catallo is directed to a caterpillar traction apparatus which is used to pre-shrink a sheet of fabric. Most notably, *Catallo* nor any of the other cited references teach or disclose a method of processing a polymeric tubular member by passing the member between traction members and using a speed difference in order to change the tensile strain energy stored within the polymeric tubular member. Therefore, Applicants respectfully submit that *Catallo* does not disclose each and every limitation of amended independent claim 11 as required to anticipate these claims under 35 U.S.C. § 102(b).

Accordingly, for at least the above discussed reasons, it is respectfully submitted that independent claim 11 and dependent claims 12-13, which include all of the features of independent claim 11 are not anticipated or made obvious by the cited prior art references.

It is submitted that the above amendments place the application in condition for allowance. Accordingly, a favorable action is respectfully requested. No fees should be required for this response because it is being submitted within one (1) month from the mailing date of the Notice. However, if a fee should be required, the Commissioner is authorized to charge our Deposit Account No. 50-1039 for any such fees.

Respectfully submitted,

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